

SPEECH
OF
HON. CHARLES SUMNER,
Of Massachusetts,
ON THE
ABOLITION OF SLAVERY *in the U.S.*
IN THE
— DISTRICT OF COLUMBIA. —

DELIVERED IN THE SENATE OF THE UNITED STATES, MARCH 31, 1852.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 106) for the release of certain persons held to service or labor in the District of Columbia.

Mr. SUMNER. Mr. President—

Mr. DAVIS. Will the honorable Senator just allow me a minute to suggest a matter to him before he proceeds?

Mr. SUMNER. Certainly.

Mr. DAVIS. It may be that the speech which the honorable Senator intends to pronounce may cover the points which I have embodied in some questions to him. If they do not, I should take it very kindly if the honorable Senator will answer the questions. I will read them.

1. Are slaves in the District of Columbia, and in the slaveholding States, legally the subject of property?

2. Has Congress the power to deprive the owners of lands and houses and lots situated in the District of Columbia of that property?

3. What law or laws give the owners of real estate in the District of Columbia their right to such property? Inform us where such law or laws may be found and read.

4. What law or laws give a different right and title to slaves and to real estate? Where can such law or laws be found?

5. Is or not the Constitution, and the laws of the United States made in pursuance thereof, and all the treaties made under the authority of the United States, the supreme law of the land, which all persons, without any exception whatever, are bound to obey?

6. Is or not the Supreme Court of the United States the proper and final tribunal to judge and determine all questions, whether in law or equity, under the Constitution and laws of the United States?

Mr. SUMNER. Mr. President, with unspeakable delight I hail this measure and the prospect of its speedy adoption. It is the first installment of that great debt which we all owe to an enslaved race, and will be recognized in history as one of the victories of humanity. At home, throughout our own country, it will be welcomed with gratitude; while abroad it will quicken the hopes of all who love freedom. Liberal institutions will gain everywhere by the abolition of slavery at the national capital. Nobody can read that slaves were once

sold in the markets of Rome, beneath the eyes of the sovereign Pontiff, without confessing the scandal to religion, even in a barbarous age; and nobody can hear that slaves are now sold in the markets of Washington, beneath the eyes of the President, without confessing the scandal to liberal institutions. For the sake of our good name, if not for the sake of justice, let the scandal disappear.

In early discussion of this question there were many topics introduced which now command little attention. It was part of the tactics of slavery to claim absolute immunity. Indeed, without such immunity it had small chance of continued existence. Such a wrong, so utterly outrageous, could find safety only where it was protected from inquiry. Therefore, slave masters always insisted that petitions against its existence at the national capital were not to be received; that it was unconstitutional to touch it even here within the exclusive jurisdiction of Congress; and that if it were touched, it should be only under the auspices of the neighboring States of Virginia and Maryland. On these points elaborate arguments were constructed; but it were useless to consider them now. Whatever may be the opinions of individual Senators, the judgment of the country is fixed. The right of petition, first vindicated by the matchless perseverance of John Quincy Adams, is now beyond question, and the constitutional power of Congress is hardly less free from doubt. It is enough to say on this point, that if Congress cannot abolish slavery here, then there is no power anywhere to abolish it here, and this wrong will endure always, immortal as the capital itself.

But as the moment of justice approaches we are called to meet a different objection, inspired by generous sentiments. It is urged that since there can be no such thing as property in man, especially within the exclusive jurisdiction of Congress, therefore all now held as slaves at the national capital are justly entitled to freedom, without price or compensation of any kind to their masters; or, at least, that any money paid should be distributed according to an account stated between masters and slaves. Of course, if this question were determined according to divine justice, so far as we may be permitted to look in that direction, it is obvious that nothing can be due to the masters, and that any money paid belongs rather to the slaves, who for generations have been despoiled of every right and possession. But if we undertake to audit this fearful account, pray what sum shall be allowed for the prolonged torments of the lash? What treasure shall be voted to the slave for wife ravished from his side, for children stolen, for knowledge shut out, and for all the fruits of labor wrested from him and his fathers? No such account can be stated. It is impossible. If you once begin the inquiry, all must go to the slave. It only remains for Congress, anxious to secure this great boon, and unwilling to embarrass or jeopard it, to act practically according to its finite powers, in the light of existing usages, and even existing prejudices, under which these odious relations have assumed the form of law; nor must we hesitate at any forbearance or sacrifice, provided freedom can be established without delay.

Testimony and eloquence have both been accumulated against slavery; but on this occasion I shall confine myself precisely to the argument for the ransom of slaves at the national capital—although such is slavery, that it is impossible to consider it in any single aspect without confronting its whole many-sided wickedness, while the broad diversified field of remedies is naturally open to review. But at some other time the great question of emancipation in the States may be more fitly considered, together with those other questions in which the Senator from Wisconsin (Mr. DOOLITTLE) has allowed himself to take sides so earnestly—whether there is an essential incompatibility between the two races, so that they cannot live together except as master and slave, and whether the freedmen shall be encouraged to exile themselves to other lands or to continue their labor here at home. It is surely enough for the present to consider slavery at the national capital. And here we are met by two inquiries, so frankly addressed to the Senate by the clear-headed Senator from Kansas (Mr. POMEROY)—*first, has slavery any constitutional existence at the national capital? and, secondly, shall money be paid to secure its abolition?* The answer to these two inquiries will make our duty clear. If slavery has no constitutional existence here, then more than ever is Congress bound to interfere, even with money; for the scandal must be pre-emptorily

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stopped, without any postponement or any consultation of the people on a point which is not within their power.

It may be said that, whether slavery be constitutional or not, nevertheless it exists, and therefore this inquiry is superfluous. True, it exists as a MONSTROUS FACT; but it is none the less important to consider its origin, that we may understand how, assuming the form of law, it was able to shelter itself beneath the protecting shield of the Constitution. And when we shall see clearly that it is without any such just protection, that the law which declares it is baseless, and that in all its pretensions it is essentially and utterly brutal and unnatural, we shall have less consideration for the slave tyranny, which, in satisfied pride, has thus far—not without compunction at different moments—ruled the national capital, reducing all things here—public opinion, social life, and even the administration of justice—to its own degraded standard, so as to fulfill the curious words of an old English poet:

"It serves, yet reignes as King;
It lives, yet's death; it pleases full of paine,
Monster! ah, who, who can thy beeing feigne?
Thou shapeless shape, live death, paine pleasing, servile reigne."

It is true, there can be no such thing as property in man. And here I begin to answer the questions propounded by the Senator from Kentucky, (Mr. DAVIS.) If this pretension is recognized anywhere, it is only another instance of the influence of custom, which is so powerful as to render the idolator insensible to the wickedness of idolatry, and the cannibal insensible to the brutality of cannibalism. To argue against such a pretension seems to be vain—for the pretension exists in open defiance of reason as well as of humanity. It will not yield to argument; nor will it yield to persuasion. It must be encountered by authority. It was not the planters in the British islands or in the French islands who organized emancipation, but the distant governments across the sea, far removed from the local prejudices, who at last forbade the outrage. Had these planters been left to themselves, they would have clung to this pretension as men among us still cling to it. Of course, in making this declaration against the idea of property in man, I say nothing new. An honored predecessor of the Senator from Maryland, (Mr. KENNEDY,) whose fame as a statesman was eclipsed, perhaps, by his more remarkable fame as a lawyer—I mean William Pinkney—and it is among the recollections of my youth that I heard Chief Justice Marshall call him the undoubted head of the American bar—in a speech before the Maryland House of Delegates, spoke as statesman and lawyer when he said:

"Sir, by the eternal principles of natural justice, no master in the State has a right to hold his slaves in bondage for a single hour."

And Henry Brougham spoke not only as statesman and lawyer, but as orator also, when, in the British Parliament, he uttered these memorable words:

"Tell me not of rights—talk not of the property of the planter in his slaves. I deny the right—I acknowledge not the property. The principles, the feelings of our common nature, rise in rebellion against it. Be the appeal made to the understanding or to the heart, the sentence is the same that rejects it. In vain you tell me of laws that sanction such a claim. There is a law above all the enactments of human codes—the same throughout the world, the same in all times; it is the law written by the finger of God on the heart of man; and by that law, unchangeable and eternal, while men despise fraud, and loathe rapine, and abhor blood, they will reject with indignation the wild and guilty phantasy that man can hold property in man."

It has often been said that the finest sentence of the English language is that famous description of law with which Hooker closes the first book of his Ecclesiastical Polity; but I cannot doubt that this wonderful denunciation of an irrational and inhuman pretension will be remembered hereafter with higher praise, for it gathers into surpassing eloquence the growing and immitigable instincts of universal man.

If I enter now into a brief analysis of slavery, and say familiar things, it is because such exposition is an essential link in the present inquiry. Looking carefully at slavery as it is we shall find that it is not merely a single gross pretension, utterly inadmissible, but an aggregation of gross pretensions, all of them

utterly inadmissible. They are five in number: first, the pretension of property in man; secondly, the denial of the marriage relation, for slaves are "coupled" only, and not married; thirdly, the denial of the paternal relation; fourthly, the denial of instruction; and fifthly, the appropriation of all the labor of the slave and its fruits by the master. Such are the five essential elements which we find in slavery; and this five-fold Barbarism, so utterly indefensible in every point, is maintained for the single purpose of compelling labor without wages. Of course such a pretension is founded in force, and in nothing else. It begins with the kidnapper in Guinea or Congo; it traverses the sea with the pirate slave trader in his crowded hold; and it is continued here by virtue of laws which represent and embody the same brutal force which prevailed in the kidnapper and the pirate slave trader. Slavery, wherever it exists, is the triumph of force, sometimes represented in the strong arm of an individual, and sometimes in the strong arm of laws, but it is always the same in principle. Depending upon force, he is master who happens to be the stronger, so that if the slave were stronger he would be master and the master would be slave. For according to reason and justice every slave possesses the same right to enslave his master which his master possesses to enslave him. If this simple statement of unquestionable principles needed confirmation, it would be found in the solemn judgments of courts. Here, for instance, are the often-quoted words of Mr. Justice McLean, of the Supreme Court of the United States: "Slavery is admitted by almost all, who have examined the subject, to be founded in wrong, in oppression, in *power against right*." (Jones *vs.* Vanzandt; 2 McLean's Reports, 645.) And here are the words of the supreme court of North Carolina: "Such services (of a slave) can only be expected from one who has no will of his own, who surrenders his will in implicit obedience to that of another. Such obedience is the consequence only of *uncontrolled authority over the body*. There is nothing else which can operate to produce the effect." (Jarman *vs.* Patterson, 7 Munroe's Reports, 645.) And the Supreme Court of the United States, by the lips of Chief Justice Marshall, has openly declared in a famous case, read the other day by the Senator from Kentucky, (Mr. Davis,) that "slavery has its origin in *force*." Thus does it appear by most authoritative words that this five-headed Barbarism is derived not from reason, or nature, or justice, or goodness, but from *force*, and nothing else.

Of course, here in the national capital, which is under the exclusive jurisdiction of Congress, the force which now maintains this unnatural system is supplied by Congress. Without Congress the "uncontrolled authority" of the master would cease. Without Congress the master would not be master; nor would the slave be slave. Congress, then, in its existing legislation giving sanction to slavery, is the power behind, which, here in the national capital, enslaves our fellow-men. Therefore does it behoove Congress to act in order to relieve itself of this painful responsibility.

But this responsibility becomes more painful when it is considered that slavery exists at the national capital absolutely without support of any kind in the Constitution; and here again I answer the Senator from Kentucky, (Mr. Davis.) Nor is this all. Situated within the exclusive jurisdiction of the Constitution, where State rights cannot prevail, it exists in open defiance of most cherished principles. Let the Constitution be rightly interpreted by a just tribunal, and slavery must cease here at once. The decision of a court would be as potent as an act of Congress. And now, as I confidently assert this conclusion, which bears so directly on the present question, pardon me if I express the satisfaction with which I recur to an earlier period, shortly after I entered the Senate, when, vindicating the principle now accepted, but then disowned, that *freedom and not slavery is national*, I insisted upon its application to slavery everywhere within the exclusive jurisdiction of the Constitution, and declared that Congress might as well undertake to make a king as to make a slave. That argument has never been answered; it cannot be answered. Nor can I forget that this same conclusion, having such important bearings, was maintained by Mr. Chase, while a member of this body, in that masterly effort where he unfolded the relations of the national Government to slavery, and also by the late Horace Mann in a most eloquent and exhaustive speech in the other House, where no point is left untouched to show that slavery in the national capital is an *outlaw*. Among all the speeches in the protracted discussion of slavery, I

know none more worthy of profound study than those two, so different in character and yet so harmonious in result. If authority could add to the force of irresistible argument, it would be found in the well-known opinion of the late Mr. Justice McLean, in a published letter, declaring the constitutional impossibility of slavery in the national Territories, because, in the absence of express power under the Constitution to establish or recognize slavery, there was nothing for the breath of slavery, as respiration could not exist where there was no atmosphere. The learned judge was right, and his illustration was felicitous. Although applied at the time only to the Territories, it is of equal force everywhere within the exclusive jurisdiction of Congress; for within such jurisdiction there is no atmosphere in which slavery can live.

If this question were less important, I should not occupy time with its discussion. But we may learn to detest slavery still more when we see how completely it has installed itself here in utter disregard of the Constitution, and compelled Congress ignobly do its bidding. The bare existence of such a barbarous injustice in the metropolis of a Republic, which has gloriously declared that "all men are entitled to life, liberty, and the pursuit of happiness," is a mockery which may well excite surprise; but when we bring it to the touchstone of the Constitution, and consider the action of Congress, surprise is deepened into indignation.

But how, sir, was this foothold secured? When and by what process did the national Government solemnly pledged to freedom, undertake to maintain the slave master here in the exercise of that *force* or "unrestrained power" which swings the lash, fastens the chain, robs the wages, sells the child, and tears the wife from the husband? A brief inquiry will show historically how it occurred; and here again I shall answer the Senator from Kentucky.

The sessions of the Revolutionary Congress were held, according to the exigencies of war or the convenience of members, at Philadelphia, Baltimore, Lancaster, York, Princeton, Annapolis, Trenton, and New York. An insult at Philadelphia, in 1783, from a band of mutineers, caused an adjournment to Princeton, which was followed by the consideration, from time to time, of the question of a permanent seat of Government. On motion of Mr. Gerry, of Massachusetts, it was resolved, 7th of October, 1783, that buildings for the use of Congress be erected on or near the banks of the Delaware, or of the Potomac, near Georgetown, provided a suitable district can be procured on one of the rivers foresaid for a Federal town; that the right of soil, and an exclusive or such other jurisdiction as Congress may direct, shall be vested in the United States. (Journals of Old Congress, vol. 4, p. 299.) Thus did the first proposition of a national capital within the exclusive jurisdiction of Congress proceed from a representative of Massachusetts. The subject of slavery, at that time, had attracted little attention; but at a later day, in the Federal convention, this same honored representative showed the nature of the jurisdiction which he would claim, according to the following record in the Madison Papers, (p. 1395:) "Mr. Gerry thought we had nothing to do with the conduct of the States as to slaves, *but ought to be careful not to give any sanction to it.*" In these words will be found our own cherished principle—*freedom national, slavery sectional*—expressed with homely and sententious simplicity. There is something grateful and most suggestive in the language employed, "we ought to be careful not to give any sanction to it." At a still latter day, in the first Congress under the Constitution, the same representative, in the debate on slavery, gave further expression to this same conviction, when he said that "he highly commended the part the Society of Friends had taken; it was the cause of humanity they had interested themselves in." (Annals of Congress, vol. 2, p. 489.)

The proposition of Mr. Gerry, after undergoing various modifications, was repealed during the next year. But shortly afterwards, in 1784, three commissioners were appointed to lay out a district not exceeding three nor less than two miles square "on the banks of either side of the Delaware, not more than eight miles above or below the falls thereof, for a Federal town." At the Congress of the succeeding year, which met at New York, great but unsuccessful efforts were made to substitute the Potomac for the Delaware. The commissioners, though appointed, never entered upon their business. At last, by the adoption of the Constitution, the subject was presented in a new form under the following clause: "Congress shall have power to exercise exclusive

legislation in all cases whatsoever over such district, not exceeding ten miles square, as may by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States." From the report of the debates in the convention it does not appear that this clause occasioned discussion. But the discussion broke out in the earliest Congress. Virginia and Maryland each, by acts of their respective legislatures, tendered the ten miles square, while similar propositions were made by citizens of Pennsylvania and New Jersey. After a long and animated discussion, Germantown, in Pennsylvania, was on the point of being adopted, when the subject was postponed till the next session. Havre-de-Grace and Wright's Ferry, both on the Susquehanna; Baltimore, on the Patapsco; and Connogocheague, on the Potomac, divided opinions. In the course of the debate, Mr. Gerry, who had first proposed the Potomac, now opposed it. He pronounced it highly unreasonable to fix the seat of Government where nine States out of the thirteen would be to the northward, and he adverted to the sacrifice the northern States were ready to make in going as far south as Baltimore. An agreement seemed impossible, when the South suddenly achieved one of those political triumphs by which its predominance in the national Government was established. Pending at the same time was the great and trying proposition to assume the State debts, which being at first defeated through southern votes, was at last carried by a "compromise," according to which the seat of Government was to be placed on the Potomac, thus settling the much-vexed question. Mr. Jefferson, in a familiar letter, thus sketches the "compromise:"

"It was observed that this bill (the assumption of the State debts) would be peculiarly bitter to the southern States, and *that some concomitant measure should be adopted to sweeten it a little to them.* There had before been a proposition to fix the seat of Government either at Philadelphia or at Georgetown, on the Potomac; and it was thought that, by giving it to Philadelphia for ten years, and to Georgetown permanently afterwards, this might, as anodyne, calm in some degree the ferment which might be excited by the other measure alone. So two of the Potomac members (one with a revulsion of stomach almost convulsive) agreed to change their votes, and Hamilton undertook to carry the other point."—*Memoirs and Correspondence of Jefferson*, vol. 4, p. 440.

Such was one of the earliest victories of slavery in the name of "compromise." It is difficult to estimate the evil consequences which it has entailed upon the country.

The act establishing the seat of Government having already passed the Senate was adopted by the House of Representatives, after vehement debate and many calls of the yeas and nays, by a vote of 32 to 29, on the 16th of July, 1790. A district of territory, not exceeding ten miles square, on the river Potomac, was to be accepted for the permanent seat of the Government of the United States; "*Provided, nevertheless, That the operation of the laws of the States within such district shall not be affected by this acceptance until the time fixed for the removal of Government thereto, and until Congress shall by law otherwise provide.*" Here, it will be seen, was a positive saving of the laws of the State for a limited period, so far as Congress had power to save them, within the exclusive jurisdiction of the Constitution; but there was also a complete recognition of the power of Congress to change these laws, and an implied promise to assume the "exclusive legislation in all cases whatsoever" contemplated by the Constitution.

In response to this act of Congress Maryland, by formal act, ceded the territory which now constitutes the District of Columbia "in full and absolute right, as well of soil as of persons residing or to reside therein;" provided that the jurisdiction of Maryland "shall not cease or determine *until Congress shall by law provide for the government thereof.*" (Acts of Maryland, 1791, cap. 45, sec. 2.)

In pursuance of this contract between the United States of the one part and Maryland of the other part, expressed in solemn statutes, the present seat of Government was occupied in December, 1800, when Congress proceeded to assume that complete jurisdiction which is conferred in the Constitution by enacting, on the 27th February, 1801, "that the laws of the State of Maryland, *as they now exist*, shall be and continue in force in that part of the said District which was ceded by that State to the United States, and by them accepted for the permanent seat of Government." Thus at one stroke all the existing laws of Maryland were adopted by Congress in gross, and from that time forward

became the laws of the United States at the national capital. Although known historically as the laws of Maryland, they ceased at once to be the laws of that State, for they draw their vitality from Congress alone, under the Constitution of the United States, as completely as if every statute had been solemnly re-enacted. And now we shall see precisely how slavery obtained its foothold here.

Among the statutes of Maryland thus solemnly re-enacted in gross by Congress was the following, originally passed as early as 1715—in colonial days:

"All negroes and other slaves already imported or hereafter to be imported into this province, and all children now born or hereafter to be born of such negroes and slaves, shall be slaves during their natural lives."—*Laws of Maryland*, 1715, ch. 44, sec. 22.

But slavery cannot exist without barbarous laws in its support. Maryland, accordingly, in the spirit of slavery, added other provisions, also, re-enacted by Congress, in the same general bundle, of which the following is an example:

"No negro or mulatto slave, free negro or mulatto born of a white woman, during his time of servitude, by law in this province, shall be admitted and received as good and valid evidence in law, in any matter or thing whatsoever depending before any court of record or before any magistrate within this province, wherein any Christian white person is concerned." *Laws of Maryland*, 1717, ch. 13, sec. 2.

At a later day the following kindred provision was added in season to be re-enacted by Congress in the same code:

"No slave manumitted agreeably to the laws of this State shall be entitled to give evidence against any white person, or shall be received as competent evidence to manumit any slave petitioning for his freedom."—*Laws of Maryland*, 1796, ch. 67, sec. 5.

And such is the law of slavery at the national capital.

It will be observed that the original statute, which undertakes to create slavery in Maryland, does not attain the blood beyond two generations. It is confined to "all negroes and other slaves," and their "children," "during their natural lives." These are slaves, but none others, unless a familiar rule of interpretation is reversed, and such words are extended rather than restrained. And yet it is by virtue of this colonial statute, with all its ancillary barbarism, adopted by Congress, that slaves are still held at the national capital. It is true that at the time of its adoption, there were few slaves here to whom it was applicable. For ten years previous the present area of Washington, according to received tradition, had contained hardly five hundred inhabitants, all told, and these were for the most part laborers distributed in houses merely for their temporary accommodation. But all these musty, antediluvian, wicked statutes, of which you have seen a specimen, took their place at once in the national legislation, and under their supposed authority slaves multiplied, and slavery became a national institution. And it now continues only by virtue of this slave code borrowed from early colonial days, which, though flagrantly inconsistent with the Constitution, has never yet been repudiated by court or Congress.

I have said that this slave code, even assuming it applicable to slaves beyond the "natural lives" of two generations, is flagrantly inconsistent with the Constitution. On this point the argument is so plain that it may be presented like a diagram.

Under the Constitution, Congress has "exclusive jurisdiction in all cases whatsoever" at the national capital. The cession by Maryland was without condition, and the acceptance by Congress was also without condition, so that the territory fell at once within this exclusive jurisdiction. But Congress can exercise no power except in conformity with the Constitution. Its exclusive jurisdiction in all cases whatsoever is controlled and limited by the Constitution, out of which it is derived. Now, looking at the Constitution, we shall find, first, that there are no words authorizing Congress to establish or recognize slavery; and, secondly, that there are positive words which prohibit Congress from the exercise of any such power. The argument, therefore, is twofold: first, from the absence of authority, and, secondly, from positive prohibition.

Of course, a Barbarism like slavery, having its origin in force, and nothing else, can have no legal or constitutional support except from positive sanction. It can spring from no doubtful phrase. It must be declared by unambiguous words incapable of a double sense. In asserting this principle I simply follow

Lord Mansfield, who, in the memorable case of *Sommersett*, said: "The state of slavery is of such a nature that it is incapable of being introduced on any reasons, moral or political, but only by *positive law*. It is so odious that nothing can be suffered to support it but *positive law*." (Howell's State Trials, vol. 20, p. 82.) This principle has been adopted by tribunals even in slaveholding States. (See *Horey vs. Decker*, Walker's R., 42; *Rankin vs. Lydier*, 2 Marshall, 470.) But I do not stop to dwell on these authorities. Even the language, "exclusive jurisdiction in all cases whatsoever," cannot be made to sanction slavery. It wants those positive words, leaving nothing to implication, which are obviously required, especially when we consider the professed objects of the Constitution, as declared in its preamble, "to establish justice and secure the blessings of liberty." There is no power in the Constitution to make a king, or, thank God, to make a slave, and the absence of all such power is hardly more clear in one case than in the other. The word king nowhere occurs in the Constitution, nor does the word slave. But if there be no such power, then all acts of Congress sustaining slavery at the national capital must be unconstitutional and void. The stream cannot rise higher than the fountain head; nay more, *nothing can come out of nothing*; and if there be nothing in the Constitution authorizing Congress to make a slave, there can be nothing valid in any subordinate legislation. It is a pretension which has thus far prevailed simply because slavery predominated over Congress and courts.

To all who insist that Congress may sustain slavery in the national capital, I put the question, where in the Constitution is the power found? If you cannot show where, do not assert the power. So hideous an effrontery must be authorized in unmistakable words. But where are the words? In what article, clause, or line? They cannot be found. Do not insult human nature by pretending that its most cherished rights can be sacrificed without solemn authority. Remember that every presumption and every leaning must be in favor of freedom and against slavery. Do not forget that no nice interpretation, no strained construction, no fancied deduction, can suffice to sanction the enslavement of our fellow-men. And do not degrade the Constitution by foisting into its blameless text the idea of property in man. It is not there; and if you think you see it there, it is simply because you make the Constitution a reflection of yourself.

A single illustration will show the absurdity of this pretension. If under the clause which gives to Congress "exclusive legislation" at the national capital slavery may be established, if under these words Congress is empowered to create slaves instead of citizens, then, under the same words, it may do the same thing in "the forts, magazines, arsenals, dock-yards, and other needful buildings" belonging to the United States, wherever situated, for these are all placed within the same "exclusive legislation." The extensive navy-yard at Charlestown, in the very shadow of Bunker Hill, may be filled with slaves, whose enforced toil shall take the place of that cheerful, well-paid labor whose busy hum is the best music of the place. Such an act, however consistent with slaveholding tyranny, would not be regarded as constitutional near Bunker Hill.

But if there was any doubt on this point, if the absence of all authority were not perfectly clear, the prohibitions of the Constitution would settle the question. It is true that Congress has "exclusive legislation" within the District; but the prohibitions to grant titles of nobility, to pass *ex post facto* laws, to pass bills of attainder, and to establish religion, are unquestionable limitations of this power. There is also another limitation, which is equally unquestionable. It is found in an amendment proposed by the First Congress, on the recommendation of several States, as follows:

"No person shall be deprived of life, LIBERTY, or property, without *due process of law*."

This prohibition, according to the Supreme Court, is obligatory on Congress.—(*Barron vs. Baltimore*, 7 Peters Rep., 243.) It is also applicable to all who are claimed as slaves; for, in the eye of the Constitution, every human being within its sphere, whether Caucasian, Indian, or African, from the President to the slave, is a *person*. Of this there can be no question. But a remarkable incident of history confirms this conclusion. As originally recommended by North

Carolina and Virginia, this proposition was restrained to the *freeman*. Its language was :

"No *freeman* ought to be deprived of his life, *liberty*, or property, but by the law of the land."

Of course, if the word *freeman* had been adopted, this clause would have been restrained in its effective power. But in deliberately rejecting this limitation, the authors of the amendment recorded their purpose that no *person*, within the national jurisdiction, of whatever character, shall be deprived of *liberty* without due process of law. The latter words are borrowed from *Magna Charta*, and they mean without due presentment, indictment, or other judicial proceedings. But Congress, in undertaking to support slavery at the national capital, has enacted that *persons* may be deprived of liberty there without any presentment, indictment, or any other judicial proceedings. Therefore, every *person* now detained as a slave in the national capital is detained in violation of the Constitution. Not only is his liberty taken without due process of law, but since he is tyrannically despoiled of all the fruits of his industry, his property also is taken without due process of law. You talk sometimes of guarantees of the Constitution. Here is an unmistakable guarantee, and I hold you to it.

Bringing the argument together the conclusion may be briefly stated. The five headed Barbarism of slavery, beginning in violence, can have no legal or constitutional existence, unless through positive words expressly authorizing it. As no such positive words can be found in the Constitution, all legislation by Congress supporting slavery must be unconstitutional and void, while it is made still further impossible by positive words of prohibition guarding the liberty of every *person* within the exclusive jurisdiction of Congress.

A court properly inspired, and ready to assume that just responsibility which dignifies judicial tribunals, would at once declare slavery impossible at the national capital, and set every slave free—as Lord Mansfield declared slavery impossible in England, and set every slave free. The two cases are parallel; but, alas! the court is wanting here. The legality of slavery in England during the last century was affirmed by the ablest lawyers in professional opinions; it was also affirmed on the bench. England was a slave State, and even its newspapers were disfigured with advertisements for the sale of human beings; while the merchants of London, backed by great names in the law, sustained the outrage. Then appeared Granville Sharp, the philanthropist, who, pained by the sight of slavery, and especially shocked at the brutality of a slave hunt in the streets of London, was aroused to question its constitutionality in England.—For two years he devoted himself to an anxious study of the British constitution in all its multifarious records. His conclusion is expressed in these precise words: "Neither the word *slaves* or anything that can justify the enslaving of others can be found there, God be praised!" (Hoare's Life of Sharp, vol. 1, p. 58, cap. 1.) Thus encouraged, he persevered. By his generous exertions the negro *Sommerset*, claimed as a slave by a Virginia gentleman then in London, was defended, and the court of King's Bench compelled to that immortal judgment by which slavery was forever expelled from England, and the early boast of the British constitution became a practical verity. More than fifteen thousand persons, held as slaves in 1772 on British soil—four times as many as are now found in the national capital—became instantly free, without price or ransom.

But the good work which courts have thus far declined remains to be done by Congress. Slavery, which is a barbarous anomaly and an anachronism here, must be made to disappear from the national capital; if not in one way, then in another. A judgment of court would be simply on the question of constitutional right, without regard to policy. But there is no consideration of right or of policy—from the loftiest principle to the humblest expediency—which may not properly enter into the conclusion of Congress. The former would be the triumph of the magistrate; the latter of the statesman. Let it come from magistrate or from statesman, it will constitute an epoch in history.

But the question is asked, shall we vote money for this purpose? I cannot hesitate. And here there are two considerations, which with me are prevailing. First, the relation of master and slave at the national capital has from the beginning been established and maintained by Congress, everywhere in

sight, and even directly under its own eyes. The master held the slave; but Congress, with strong arm, stood behind the master, looking on and sustaining him. Not a dollar of wages has been taken, not a child has been stolen, not a wife has been torn from her husband, without the hand of Congress. If not a partnership, there was a complicity on the part of Congress, through which the whole country has become responsible for the manifold wrong. Though always protesting against its continuance, and laboring earnestly for its removal, yet gladly do I now accept my share of the promised burden. And, secondly, even if we are not all involved in the manifold wrong, nothing is clearer than that the mode proposed is the gentlest, quietest, and surest in which the beneficent change can be accomplished. It is, therefore, the most practical. It recognizes slavery as an existing fact, and provides for its removal. And when I think of the unquestionable good which we seek; of all its advantages and glories; of the national capital redeemed; of the national character elevated; and of a magnanimous example which can never die; and when I think, still further, that, according to a rule alike of jurisprudence and morals, *liberty is priceless* I cannot hesitate at any appropriation within our means by which all these things of incalculable value can be promptly secured.

As I find no reason of policy adverse to such appropriation, so do I find no objection to it in the Constitution. I am aware that it is sometimes asked where in the Constitution is the power to make such appropriation? But nothing can be clearer than that under the words conferring "exclusive jurisdiction in all cases whatsoever," Congress may create freemen, although it may not create slaves. And, of course, it may exercise all the powers necessary to this end, whether by a simple act of emancipation or a vote of money. If there could be any doubt on this point, it would be removed when we reflect that the abolition of slavery, with all the natural incidents of such an act, has been constantly recognized as within the sphere of legislation. It was so regarded by Washington, who, in a generous letter to La Fayette, dated May 10, 1786, said: "It certainly might and assuredly ought to be effected, and that, too, by legislative authority." It is through legislative authority that slavery has been abolished in State after State of our Union, and also in foreign countries. And I have yet to learn that the power of Congress for this purpose at this national capital is less complete than that of any other legislative body within its own jurisdiction.

But while not doubting the power of Congress in any of its incidents, I prefer to consider the money which we pay as in the nature of *ransom* rather than *compensation*, so that freedom shall be yielded rather than purchased; and I place it at once under the sanction of that commanding charity proclaimed by prophets and enjoined by apostles, which all history recognizes, and which the Constitution cannot impair. From time immemorial every Government has undertaken to ransom its subjects from captivity, and sometimes a whole people has felt its resources well bestowed in the ransom of its prince. Religion and humanity have both concurred in this duty as more than usually sacred. "The ransom of captives is a great and excelling office of justice," exclaims one of the early fathers. And the pious St. Ambrose insisted upon breaking up even the sacred vessels of the Church, saying, "the ornament of the sacraments is the redemption of the captives." The power thus commended has been exercised by the United States under important circumstances with the co-operation of the best names of our history, so as to be beyond question. The instance may not be familiar, but it is decisive, while from beginning to end it is full of instruction.

Who has not heard of the Barbary States and of the pretension put forth by these Powers to enslave white Christians? Algiers was the chief seat of this enormity, which, through the insensibility or incapacity of Christian States, was allowed to continue for generations. Good men and great men were degraded to be captives, while many, neglected by fortune, perished in barbarous slavery. Even in our colonial days there were cases of Americans whose fate, while in the hands of these slave-masters, excited general sympathy. It was only by ransom that their freedom was obtained. Perhaps no condition was more calculated to rouse indignant rage. And yet the disposition so common among us to palliate slavery in Washington has shown itself with regard to slavery in Algiers; and, indeed, the same arguments to soften public opinion have been employed in the two instances. The parallel is so complete that I shall

require all your trust to believe that what I read is not an apology for slavery here. Thus, a member of a diplomatic mission from England, who visited Barbary in 1784, speaks of the slavery which he saw : " It is very slightly inflicted, and as to any labor undergone, it does not deserve the name." (Keatinge's Travels, p. 250.) And another earlier traveller, after describing the comfortable condition of the white slaves, adds, in words to which we are accustomed: " I am sure we saw several captives who live much better in Barbary than ever they did in their own country. Whatever money in charity was sent them by their friends in Europe was their own. And yet this is called insupportable slavery among Turks and Moors. But we found this, as well as many other things in this country, strangely misrepresented." (Braithwaite's Revolutions in Morocco, p. 353.) And a more recent French writer asserts, with a vehemence to which we are habituated from the partisans of slavery in our country, that the white slaves at Algiers were not exposed to the miseries which they represented; that they were well clad and well fed—*much better than the free Christians there*; that special care was bestowed upon those who become ill; and that some were allowed such privileges as to become indifferent to freedom, and even to prefer Algiers to their own country. (*Histoire d'Alger*, Paris, 1830, cap. 27.) Believe me, sir, in stating these things, I simply follow history; and I refer to the volume and page or chapter of the authorities which I quote, that the careful inquirer may see that they relate to slavery abroad, and not to slavery at home. If I continue to unfold this strange, eventful story, it will be in order to exhibit *the direct and constant intervention of Congress for the ransom of slaves*; but the story itself is an argument against slavery, pertinent to the present occasion, which I am not unwilling to adopt.

Scarcely was our national independence established, when we were aroused to fresh efforts for the protection of our enslaved citizens. Within three years no less than ten American vessels were seized. At one time an apprehension prevailed that Dr. Frankha, on his way home from France, had been captured. " We are waiting," said one of his French correspondents, " with the greatest impatience to hear from you. The newspapers have given us anxiety on your account, for some of them insist that you have been taken by the Algerines, while others pretend that you are at Morocco, enduring your slavery with all the patience of a philosopher." But though this apprehension happily proved to be without foundation, it soon became known that there were other Americans, less distinguished, but entitled to all the privileges of new-born citizenship, who were suffering in cruel captivity. The sentiments of the people were at once enlisted in their behalf. The newspapers pleaded, while the slave corsairs were denounced sometimes as " infernal crews," and sometimes as " human harpies." But it was through the stories of sufferings told by those who had succeeded in escaping from bondage that the people were most aroused. As these fugitive slaves touched our shores, they were welcomed with outspoken sympathy. The glimpses opened through them into the dread regions of slavery gave a harrowing reality to all that conjecture or imagination had pictured. It was, indeed, true that our own white brethren, entitled like ourselves to all the rights of manhood, were degraded in unquestioning obedience to an arbitrary task-master; sold at the auction block; worked like beasts of the field, and galled by the manacle and lash. As our power seemed yet inadequate to compel their liberation, it was attempted by ransom.

Informal agencies at Algiers were organized under the direction of our minister at Paris, and the famous *Society of Redemption*, established in the thirteenth century, under the sanction of Pope Innocent III, offered their aid. Our agents were blandly entertained by the chief slave-dealer, the Dey, who informed them that he was familiar with the exploits of Washington, and as he never expected to set eyes on this hero of freedom, expressed a hope that, through Congress, he might receive a full length portrait of him, to be displayed in the palace at Algiers. But amidst such professions, the Dey still clung to his American slaves, holding them at prices beyond the means of the agents, who were not authorized to go beyond \$200 a head—being somewhat less than is proposed in the present bill; and I beg to call the attention of the Senator from Maine (Mr. MORRILL) to the parallel.

Their redemption engaged the attention of our Government early after the

adoption of the Constitution. It was first brought before Congress by a petition, of which we find the following record:

"*Friday, May 14, 1790.*—A petition from sundry citizens of the United States, captured by the Algerines, and now in slavery there, was presented, praying the in reposition of Congress in their behalf. Referred to the Secretary of State."—*Annals of Congress*, First Congress, p. 1572.

An interesting report on the situation of these captives, dated December 28, 1790, was made to the President by the Secretary of State, in which he sets forth the efforts of Government for their redemption at such prices as would not "raise the market," it being regarded as important that, in "the first instance of redemption by the United States, our price should be fixed at the lowest point." I quote the precise words of this document, which will be found in the State Papers of the country, (vol. 1, p. 101,) and I call special attention to them as applicable to the present moment. It appears that at this time the number of white slaves at Algiers, belonging to all countries, was nearly identical with the number of black slaves at Washington whose redemption is now proposed. The report of Mr. Jefferson was laid before Congress, with the following brief message from the President, (State Papers, vol. 1, p. 100:)

UNITED STATES, December 30, 1790.

Gentlemen of the Senate and House of Representatives:

I lay before you a report of the Secretary of State on the subject of the citizens of the United States in captivity at Algiers, that you may provide on their behalf what to you shall seem most expedient.

GEORGE WASHINGTON.

It does not appear that there was any question in any quarter with regard to the power of Congress. The recommendation of the President was broad. It was to provide on behalf of the slaves what should seem most expedient.

Another report from the Secretary of State, entitled the Mediterranean Trade and communicated to Congress December 30, 1790, related chiefly to the same matter. In this document are the estimates of different persons with regard to the price at which our citizens might be ransomed and peace be purchased. One person, who had resided very long at Algiers, put the price at sixty or seventy thousand pounds sterling. This was the lowest estimate. But another authority put it at \$570,000; and still another said that it could not be less than \$1,000,000, which is the sum proposed in the present bill.

Mr. Jefferson, after considering the subject at some length, concludes as follows:

"Upon the whole it rests with Congress to decide between war, tribute, and ransom. If war, they will consider how far our own resources shall be called forth. If tribute or ransom, it will rest with them to limit and provide the amount, and with the Executive, observing the same constitutional forms, to make arrangements for employing it to the best advantage."—*State Papers*, vol. 1, p. 105.

Among the papers accompanying the report, is a letter from Mr. Adams, while he was minister at London, from which I take the following words:

"It may be reasonably concluded that this great affair cannot be finished for much less than £200,000."

In pursuance of these communications, the Senate proceeded to tender its advice to the President, in the following resolution:

"*Resolved*, That the Senate advise and consent that the President of the United States take such measures as he may think necessary for the redemption of the citizens of the United States now in captivity at Algiers: *Provided*, The expense shall not exceed \$40,000; and also that measures be taken to confirm the treaty now existing between the United States and the Emperor of Morocco."—*State Papers*, vol. 1, p. 128.

By a subsequent message, dated February 22, 1791, the President said:

"I will proceed to take measures for the ransom of our citizens in captivity at Algiers, in conformity with your resolution of advice of the 1st instant, so soon as the moneys necessary shall be appropriated by the legislature and shall be in readiness."—*Ibid*.

Still later, the same subject was presented by the following inquiry proposed to the Senate by President Washington, under date of May 8, 1792: "If the President of the United States should conclude a convention or treaty with the Government of Algiers, for the ransom of the thirteen Americans in captivity there, for the sum not exceeding \$40,000, all expenses included, will the Senate

approve the same? Or is there any, and what, greater or lesser sum which they would fix as the limit beyond which they would not approve the ransom?" The Senate promptly replied by a resolution declaring it would approve such treaty of ransom. (State Papers, vol. 1, p. 136.) And Congress, by the act of May 8, 1792, appropriated a sum of \$50,000 for this purpose. Commodore Paul Jones was intrusted with the mission to Algiers, charged with the double duty of making peace with the Power and of securing the redemption of our citizens. In his letter of instructions, dated June 1, 1792, Mr. Jefferson expresses himself as follows:

"It has been a fixed principle with Congress to establish the rate of ransom of American captives with the Barbary States, at as low a point as possible, that it may not be the interest of those States to go in quest of our citizens in preference to those of other countries. Had it not been for the danger it would have brought on the residue of our seamen, by exciting the cupidity of these rovers against them, our citizens now in Algiers would have been long ago redeemed without regard to price. The mere money for their particular redemption neither has been nor is an object with anybody here."—*State Papers*, vol. 1, p. 292.

In the same instructions, Mr. Jefferson says:

"As soon as the ransom is completed, you will be pleased to have the captives well clothed and sent home at the expense of the United States, with as much economy as will consist with their reasonable comfort."—*Ibid.*

Commodore Paul Jones—called admiral in the instructions—died without entering upon the performance of these duties, which were afterwards undertaken by Colonel Humphreys, our minister at Lisbon, who was honored especially with the friendship of Washington, as an accomplished officer of his staff during the Revolution. But the terms exacted by the Dey were such as to render the mission unsuccessful.

Meanwhile other Americans were seized by the Algerines, who are described as "employed as captive slaves on the most laborious work, in a distressed and naked situation." (State Papers, vol. 1, p. 418.) One of their number, in a letter to the President, dated at Algiers, November 5, 1793, says:

"Humanity towards the unfortunate American captives, I presume, will induce your excellency to co-operate with Congress to adopt some speedy and effectual plan in order to restore to liberty and finally extricate the American captives from their present distresses."—*Ibid.*

At this time there were one hundred and nineteen American slaves in Algiers, who united in a petition to Congress, dated December, 1793, in which they say:

"Your petitioners are at present captives in this city of bondage, employed daily in the most laborious work, without any respect to persons. They pray that you will take their unfortunate situation into consideration, and adopt such measures as will restore the American captives to their country, their friends, families, and connections."—*Ibid.*, p. 421.

The country was now aroused. A general contribution was proposed. People of all classes vied in generous efforts. Newspapers entered with increased activity into the work. At public celebrations the toasts "happiness for all," and "universal liberty," were proposed, partly in sympathy with our wretched white fellow-countrymen in bonds. On one occasion, at a patriotic celebration in New Hampshire, they were remembered in the following toast: "Our brethren in slavery at Algiers. May the measures adopted for their redemption be successful, and may they live to rejoice with their friends in the blessings of liberty." The clergy, too, were enlisted. A fervid appeal by the captives themselves was addressed to the ministers of the Gospel throughout the United States, asking them to set apart a special Sunday for sermons in behalf of their enslaved brethren. Literature, too, added her influence, not only in essays, but in a work which, though now forgotten, was among the earliest of the literary productions of our country, reprinted in London at a time when few American books were known abroad. I refer to the story of *The Algerine Captive*, which, though published anonymously—like other similar works at a later day,—is known to have been written by Royal Tyler, afterwards chief justice of Vermont. Slavery in Algiers is here depicted in the sufferings of a single captive—as slavery in the United States has been since depicted in the sufferings of Uncle Tom; but the influence of the early story was hardly less strong against African slavery than against white slavery. "Grant me," says the Algerine captive—who had been a surgeon on board a ship in the African slave trade—from the depths of his own sorrows, "once more to taste the free-

dom of my native country, and every moment of my life shall be dedicated to preaching against this detestable commerce. I will fly to our fellow-citizens of the southern States; I will on my knees conjure them, in the name of humanity, to abolish traffic which causes it to bleed in every pore. If they are deaf to the pleadings of nature, I will conjure them, for the sake of consistency, to cease to deprive their fellow-creatures of freedom, which their writers, their orators, Representatives, Senators, and even their constitutions of government, have declared to be the unalienable birthright of man," (esp. 32.) In such words was the cause of emancipation pleaded at that early day.

Colonel Humphreys, from his distant mission at Lisbon, while yet unable to reach Algiers, joined in this appeal by a letter to the American people, dated July 11, 1794. Taking advantage of the general interest in lotteries, and particularly of the custom, not then condemned, of resorting to these as a mode of obtaining money for literary or benevolent purposes, he suggested a grand lottery, sanctioned by the United States, or particular lotteries in the individual States, in order to obtain the means required for the ransom of our countrymen. He then asks:

"Is there within the limits of these United States an individual who will not cheerfully contribute in proportion to his means to carry it into effect? By the peculiar blessings of freedom which you enjoy, by the disinterested sacrifices you made for its attainment, by the patriotic blood of those martyrs of liberty who died to secure your independence, and by all the tender ties of nature, let me conjure you once more to snatch your unfortunate countrymen from fetters, dungeons, and death."

Meanwhile the Government was energetic through all its agents, at home and abroad; nor was any question raised with regard to its constitutional powers. In the animated debate which ensued in the House of Representatives, an honorable member said, "If bribery would not do, he should certainly vote for equipping a fleet." (Annals of Congress, Third Congress, p. 435.) At last, by act of Congress of the 20th of March, 1794, \$1,000,000 was appropriated for this purpose, being the identical sum now proposed for a similar purpose of redemption; but it was somewhat masked under the language "to defray any expenses which may be incurred in relation to the intercourse between the United States and foreign nations." (Statutes at Large, vol. 1, p. 346.) On the same day, by another act, the President was authorized "to borrow on the credit of the United States, if in his opinion the public service shall require it, a sum not exceeding \$1,000,000." The object was distinctly avowed in the instructions of Mr. Jefferson, dated the 28th of March, of the same year, "for concluding a treaty of peace and liberating our citizens from captivity, and in other instructions, dated the 19th of July, of the same year, in which the wishes of the President are thus conveyed.

"Ransom and peace are to go hand in hand, if practicable; but if peace cannot be obtained, a ransom is to be effected without delay." * * * restricting yourself, on the head of ransom, within the limit of \$3,000 per man."—*State Papers*, vol. 1, p. 529.

The negotiation was at last consummated, and the first tidings of its success were announced to Congress by President Washington in his message of 8th December, 1795, as follows:

"With peculiar satisfaction I add, that information has been received from an agent deputed on our part to Algiers, importing that the terms of a treaty with the Dey and Regency of that country had been adjusted in such a manner as to authorize the expectation of a speedy peace, and the restoration of our unfortunate fellow-citizens from a grievous captivity.—*State Papers*, vol. 1, p. 23.

The treaty for this purpose was signed at Algiers 5th September, 1795. It was a sacrifice of pride, if not of honor, to the necessity of the occasion. Among its stipulations was one even for an annual tribute from the United States to the barbarous Slave Power. But amidst all its unquestionable humiliation, it was a treaty of emancipation; nor did our people consider nicely the terms on which such a good was secured. It is recorded that a thrill of joy went through the land on the annunciation that a vessel had left Algiers having on board the Americans who had been captives there. The largess of money and even the indignity of tribute were forgotten in gratulations on their new-found happiness. Washington in his message to Congress of December 7, 1796, thus solemnly dwelt on their emancipation:

"After many delays and disappointments arising out of the European war, the final arrangements for fulfilling the engagements to the Dey and Regency of Algiers will, in all present appearance, be crowned with success; but under great, though inevitable, disadvantages in the pecuniary transactions occasioned by that war, which will render a further provision necessary. *The actual liberation of all our citizens who were prisoners at Algiers, while it, gratifies every feeling heart, is itself an earnest of a satisfactory termination of the whole negotiation.*"—*State Papers*, vol. 1, p. 80.

Other treaties were made with Tripoli and with Morocco, and more money was paid for the same object, until at last, in 1801, the slaveholding pretensions of Tripoli compelled a resort to arms. It appears by a document preserved in the State Papers of our country, that from 1796—in the space of five years—appropriations had been made for the liberation of our people, constituting a sum total of upwards of two millions of dollars. (*State Papers*, vol. 2, p. 372.) To all who now question the powers of Congress or the policy of exercising it, I commend this account, in its various items, given with all possible minuteness. If we consider the population and the resources of the country at the time, as compared with our present gigantic means, the amount will not be considered inconsiderable.

The pretensions of Tripoli aroused Colonel Humphreys, the former companion of Washington, who was now at home in retirement. In an address to the public, he called again for united action, saying:

"Americans of the United States, your fellow-citizens are in fetters! Can there be but one feeling? Where are the gallant remains of the race who fought for freedom? Where the glorious heirs of their patriotism? *Will there never be a truce to political parties? Or must it forever be the fate of the free States, that the soft voice of union should be drowned in the hoarse clamors of discord?* No! Let every friend of blessed humanity and sacred freedom entertain a better hope and confidence."—*Miscellaneous Works of David Humphreys*, p. 15.

Then commenced those early deeds by which our arms became known in Europe—the best achievement of Decatur, and the romantic expedition of Eaton. Three several times Tripoli was attacked; and yet, after successes sometimes mentioned with pride, our country consented by solemn treaty to pay \$60,000 for the freedom of two hundred American slaves, and thus again by money obtained emancipation. But Algiers was governed by slavery as a ruling passion. Again it seized our people; but even the contest in which we were engaged with Great Britain could not prevent an outbreak of indignant sympathy for those who were in bonds. A naval force, which was promptly dispatched to the Mediterranean, secured the freedom of the American slaves without ransom, and stipulated further that hereafter no Americans should be made slaves, and that "any Christians whatever, captives in Algiers," making their escape and taking refuge on board an American ship of war, should be safe from all requisition or reclamation. Decatur, on this occasion, showed character as well as courage. The freed men of his arm were welcomed on board his ship with impatient triumph. Thus, not by money, but by war was emancipation this time secured.

At a later day, Great Britain, weary of tribute and ransom, directed her naval power against the Barbary States. Tunis and Tripoli each promised abolition; but Algiers sullenly refused, until compelled by irresistible force. Before night on the 27th August, 1816, the fleet fired, besides shells and rockets, one hundred and eighteen tons of powder and fifty thousand shot, weighing more than five hundred tons. Amidst the crumbling ruins of wall and citadel the cruel Slave Power was humbled, and consented, by solemn stipulation, to the surrender of all the slaves in Algiers, and to the abolition of white slavery forever. This great event was announced by the victorious admiral in a dispatch to his Government, where he uses words of gratulation worthy of the occasion:

"In all the vicissitudes of a long life of public service, no circumstance has ever produced on my mind such impressions of gratitude as the event of yesterday. To have been one of the humble instruments in the hands of Divine Providence for bringing to reason a ferocious Government and destroying forever the insufferable and horrid system of Christian slavery, can never cease to be a source of delight and heartfelt comfort to every individual happy enough to be employed in it"—*Oster's Life of Lord Exmouth*, p. 432.

And thus ended white slavery in the Barbary States. A single brief effort of war put an instant close to this wicked pretension. If, in looking back upon

its history, we find much to humble our pride—if we are disposed to mourn that our Government stooped to ransom those who were justly free without price, yet we cannot fail to gather instruction from this great precedent. Slavery is the same in its essential character, wherever it exists, except, perhaps, that it has received some new harshness here among us. There is no argument against its validity at Algiers which is not equally strong against its validity at Washington. In both cases it is *unjust* force organized into law. But in Algiers, it is not known that the law was unconstitutional, as it clearly is here in Washington. In the early case, slavery was regarded by our fathers only as an existing fact; and it is only as an existing fact that it can be now regarded by us in the present case; nor is there any power of Congress, which was generously exerted for those distant captives, which may not now be invoked for the captives in our own streets.

Mr. President, if in this important discussion, which seems to open the door of the future, I have confined myself to two simple inquiries, it is because practically they exhaust the whole subject. If slavery be unconstitutional in the national capital, and if it be a Christian duty, sustained by constitutional examples, to ransom slaves, then your swift desires cannot hesitate to adopt the present bill. It is needless to enter upon other questions, important, perhaps, but irrelevant. It is needless also to consider the bugbears which Senators have introduced, for all must see that they are bugbears.

If I have seemed to dwell on details, it is because they furnished at each stage instruction and support; if I have occupied time on a curious passage of history, it is because it was more apt even than curious, while it sometimes held the mirror up to our own wickedness, and sometimes even seemed to cry out, "Thou art the man." Of course, I scorn to argue the obvious truth that the slaves here are as much entitled to freedom as the white slaves that enlisted the early energies of our Government. They are *men* by the grace of God, and this is enough. There is no principle of the Constitution, and no rule of justice, which is not as strong for one as for the other. In consenting to the ransom proposed, you will recognize their manhood, and if authority be needed, you will find it in the example of Washington, who did not hesitate to employ a golden key to open the house of bondage.

Let this bill pass, and the first practical triumph of freedom—for which good men have longed, dying without the sight—for which a whole generation have petitioned, and for which orators and statesmen have pleaded—will at last be accomplished. Slavery will be banished from the national capital. This metropolis, which bears a venerated name, will be purified; its evil spirit will be cast out; its shame will be removed; its society will be refined; its courts will be made better; its revolting ordinances will be swept away; and even its loyalty will be secured. If not moved by justice to the slave, then be willing to act for your own good and in self-defence. If you hesitate to pass this bill for the blacks, then pass it for the whites. Nothing is clearer than that the degradation of slavery affects the master as much as the slave; while recent events testify, that wherever slavery exists there treason lurks, if it does not flaunt. From the beginning of this rebellion, slavery has been constantly manifest in the conduct of the masters, and even here in the national capital—it has been the traitorous power which has encouraged and strengthened the enemy. This power must be suppressed at every cost, and if its suppression here endangers slavery elsewhere, there will be a new motive for determined action.

Amidst all present solicitudes, the future cannot be doubtful. At the national capital slavery will give way to freedom; but the good work will not stop here. It must proceed. What God and nature decree, rebellion cannot arrest. And as the whole wide-spread tyranny begins to tumble, then, above the din of battle, sounding from the sea and echoing along the land, above even the exultations of victory on well-fought fields, will ascend voices of gladness and benediction, swelling from generous hearts wherever civilization bears sway, to commemorate a sacred triumph, whose trophies, instead of tattered banners, will be ransomed slaves.